

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): LI et al.) Group Art Unit: 1635
)
)
 Serial No.: 10/038,984) Examiner: Tracy Ann Vivlemore
)
 Filed: January 4, 2002) Confirmation No. 9705
)
 For: COMPOSITION AND METHOD FOR *IN VIVO* AND *IN VITRO* ATTENUATION OF
 GENE EXPRESSION USING DOUBLE STRANDED RNA

NOTICE OF APPEAL**TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Appeals from the decision dated August 19, 2009, of the Primary Examiner rejecting claims 75, 76, 78, 79, 82, 83 and 85-120, of the above-identified application under 37 C.F.R. §§1.113 and 1.191.

This is a reinstatement of an appeal after prosecution was reopened. An appeal fee (\$250) was paid by the Applicant with the Notice of Appeal filed June 21, 2007. Thus, per 37 C.F.R. §1204.01, the previously paid appeal fee is to be applied to the new appeal. The new appeal fee is \$540. Therefore, Applicants authorize the amount of \$290. (*the difference between the appeal fee already paid and the new appeal fee*), to be charged to PTO Deposit Account No. 13-4895 to cover the Notice of Appeal fee.

A two-month extension of time to respond to the final rejection is requested. Please charge PTO Deposit Account No. 13-4895 in the amount of \$490 to cover the required fee. Please charge any additional fees or credit any over-payment to PTO Deposit Account No. 13-4895.

CERTIFICATE UNDER 37 C.F.R. 1.6:

The undersigned hereby certifies that this paper is being transmitted via the U.S. Patent and Trademark Office electronic filing system in accordance with 37 CFR §1.6(a)(4) to the Patent and Trademark Office addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 19 day of January, 2010.

By: Sandy Truhardt
 Name: Sandy Truhardt

Date: January 19, 2010

Respectfully submitted
 By
 Muetting, Raasch & Gebhardt, P.A.
 P.O. Box 581336
 Minneapolis, MN 55458-1336
 Phone: (612)305-1220
 Facsimile: (612)305-1228
 Customer Number 26813

By: David L. Provence
 David L. Provence
 Reg. No. 43,022
 Direct Dial (612)305-1005